

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

ORDER NO. 87 - 052

ORDER SETTING AMENDED ADMINISTRATIVE CIVIL LIABILITY NO. 87 - 01

RHONE-POULENC, INC.
EAST PALO ALTO
SAN MATEO COUNTY

The California Regional Water Quality Control Board, San Francisco Bay Region (hereinafter called the Board), finds, pursuant to California Water Code Section 13323, that:

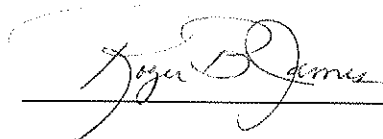
1. Rhone-Poulenc, Inc. (hereinafter called the discharger) formulated herbicides at their former facility located at 1990 Bay Road in East Palo Alto from 1926 - 1971.
2. Groundwaters beneath the site and beyond the site boundaries are polluted with heavy metals, primarily arsenic.
3. The Board adopted waste discharge requirements, Order No. 85 - 67, on May 15, 1985. Provision C.2.b required wells to be constructed 45 days after approval from the Executive Officer of the proposal required in Provision C.2.a and Provision C.2.c required sample results to be submitted 30 days after completion of well construction.
4. The discharger was notified by letters dated April 29, 1986 and May 27, 1986 of non-compliance with Provisions in Board Order No. 85 - 67.
5. The monitoring wells required by Provision C.2.b. to be installed by March 29, 1986 were installed August 12, 1986, a delay of 136 days. Sample results required by Provision C.2.c to be submitted 30 days after well completion (September 11, 1986) were submitted on January 15, 1987 or 126 days late. Provisions C.2.b and C.2.c of Order No. 85 - 67 were both violated.
6. Complaint No. 87 - 01 was issued for Administrative Civil Liability due to failure to install monitoring wells and submit sample results according to the schedule in Board Order No. 85 - 67.
7. The Executive Officer, in amended complaint No. 87 -01, proposed that administrative civil liability be imposed by the Board in the amount of \$25,000 pursuant to Section 13268 of the California Water Code for failure to submit a technical report. The proposed liability will be paid, and the right to a hearing has been waived.

8. The Board finds that this action is an order to enforce waste discharge requirements previously adopted by the Board. This action is therefore categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15321 of the Resources Agency Guidelines.

9. The Board initially considered this Order at a public hearing on April 15, 1987. At the request of the discharger, a continuance was granted by the Regional Board until the next Board hearing on May 20, 1987. On May 19, 1987, the discharger signed amended Complaint No. 87-01 agreeing to pay the \$25,000 penalty and waiving their right to a hearing.

IT IS HEREBY ORDERED, pursuant to Water Code Sections 13323 and 13268(b) that Rhone-Poulenc, Inc. is civilly liable for violations of Board Order No. 85 - 67 and shall pay administrative civil liability in the amount of \$25,000. Payment shall be made within 30 days of the date of this Order to the State Water Pollution Cleanup and Abatement account.

I, Roger B. James, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on May 20, 1987.

A handwritten signature in cursive script, reading "Roger B. James", is written over a horizontal line.

Roger B. James
Executive Officer